

Message Text

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ACTION IO-10

INFO OCT-01 EUR-12 EA-06 ISO-00 AF-06 ARA-06 NEA-09

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FM USMISSION USUN NY

TO SECSTATE WASHDC PRIORITY 9397

INFO AMEMBASSY MOSCOW

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY TOKYO

AMEMBASSY OTTAWA

C O N F I D E N T I A L SECTION 1 OF 2 USUN 0716

FOR ASST. SECRETARY BUFFUM FROM AMB. SCHAUFELLE

E.O. 11652: GDS

TAGS: PFOR, UN, UR

SUBJ: PEACEKEEPING: ONE LAST TRY

REFS: STATE 247512; STATE 169581; USUN 0046; USUN 4756

SUMMARY AND RECOMMENDATION: OUR EFFORTS TO NEGOTIATE SECURITY COUNCIL PEACEKEEPING GUIDELINES HAVE REACHED A WATERSHED. WHETHER WE SUCCEED OR HAVE TO ABANDON EXERCISE WILL PROBABLY BE DETERMINED BY AMOUNT OF HEADWAY WE CAN MAKE THIS SPRING IN BILATERAL NEGOTIATIONS WITH SOVIETS. IN MY VIEW AGREEMENT ON THIS ISSUE IS VERY MUCH IN US INTEREST, MAINLY BECAUSE AGREED GUIDELINES WOULD HELP KEEP FUTURE PEACEKEEPING OPERATIONS IN THE COUNCIL AND OUT OF THE HANDS OF UN MAJORITY. I RECOMMEND AMB. STOESSEL BE AUTHORIZED TO URGE SOVIETS AT HIGHEST FEASIBLE FONMIN LEVEL TO INSTRUCT SMUN TO ENGAGE IN INTENSIVE CONSULTATIONS WITH USUN LOOKING TOWARD COMPLETING DRAFT GUIDELINES IN NEXT TWO MONTHS FOR REFERRAL TO GOVERNMENTS.

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1. UN PEACEKEEPING COMMITTEE EFFORTS TO PREPARE GUIDELINES

FOR SC PEACEKEEPING OPERATIONS HAVE VIRTUALLY GROUND TO A HALT. SECRETARIAT PUT OFF RECONVENING COMMITTEE AS LONG AS POSSIBEL (IT NOW IS SCHEDULED TO MEET MARCH 12) BECAUSE MOST MEMBERS REALIZE THAT RECONCILING DIFFERENCES WHICH EMERGED LAST YEAR ON ALMOST EVERY GUIDELINE DEPENDS ON US-SOVIET AGREEMENT. MORE SOPHISTICATED COMMITTEE MEMBERS (SUCH AS THE UK, CANADA AND JAPAN) BELIEVE THE GUIDELINE LOGJAM CANNOT BE BROKEN UNTIL THE US AND USSR COME TO AN UNDERSTANDING ON FUNDAMENTAL PRINCIPLES RELATING TO PERMANENT SC MEMBER RESPONSIBILITY IN THE CONTROL OF FUTURE PEACEKEEPING OPERATIONS -- AND THAT WITHOUT SUCH AN UNDERSTANDING NEGOTIATION IN LARGER FORUM ON GUIDELINES IS FRUITLESS.

2. AS DEPARTMENT AWARE, WE BELIEVE -- AND SOVIETS HERE HAVE INDICATED AS MUCH -- THAT HIGH-LEVEL APPROACHES MUST BE MADE IN MOSCOW PROPOSING THAT SMUN BE AUTHORIZED TO ENGAGE IN INTENSIVE BILATERALS WITH USUN LOOKING TOWARD AGREEMENT ON BOTH GUIDELINES AND MORE FUNDAMENTAL PEACEKEEPING QUESTIONS. THAT IS WHY WE HAVE REPEATEDLY RECOMMENDED THAT US ADDRESS DIRECTLY WHAT SOVIETS CONSIDER THE KEY ISSUE -- HOW TO ASSURE PERMANENT MEMBER EFFECTIVE CONTROL OF PEACEKEEPING OPERATIONS (SEE, FOR EXAMPLE, USUN 1579, 1855 AND 4756 OF 1974)) WE HAVE SUGGESTED IN THESE AND OTHER CABLES THAT THE UK "VETO BY CHALLENGE" PROPOSAL, PERHAPS SLIGHTLY MODIFIED, MIGHT WELL BE A FORMULA FOR PROTECTING INTERESTS OF US, USSR AND OTHER SC PERMANENT MEMBERS.

3. IT MAY BE USEFUL TO REVIEW THE REASONS WHY WE BELIEVE IT IN US INTEREST TO CONCLUDE AGREEMENT ON PEACEKEEPING GUIDELINES. (SIMILAR REASONS WERE SPELLED OUT IN STATE 169581 OF 1973--THE REPORT OF A MEETING IN WHICH SENIOR STATE AND USUN OFFICERS CONCLUDED THAT A CHANGE IN US POLICY WAS CALLED FOR IN DIRECTION OF ACCEPTING GREATER SC CONTROL OVER PEACEKEEPING OPERATIONS.) ONE OF MISSION'S GREATEST PREOCCUPATIONS DURING THE LAST YEAR HAS BEEN TO PROTECT US INFLUENCE AT THE UN FROM NON-ALIGNED DETERMINATION TO TRANSLATE NUMERICAL SUPERIORITY INTO REAL POLITICAL POWER. SOVIETS PROFESS SHARE OUR CONCERN. PEACEKEEPING IS OF COURSE THE HEART OF UN RESPONSIBILITY. AND THE NON-ALIGNED, CONFIDENTIAL

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LED BY YUGOSLAVIA, HAVE SHOWN INCREASING INTEREST IN INSERTING THEMSELVES INTO PEACEKEEPING BY WAY OF GA "UNITING FOR PEACE" ACTION (SEE, E.G., USUN 6263 OF 1974). AGREEMENT ON PEACEKEEPING GUIDELINES WOULD NOT TOTALLY AVERT THIS DANGER SINCE GUIDELINES WOULD THEORETICALLY APPLY ONLY TO AUTHORIZED OPERATIONS. NEVERTHELESS, AGREEMENT IN THE COMMITTEE OF 33 WOULD GO A LONG WAY TOWARD KEEPING PEACEKEEPING IN THE COUNCIL SINCE SUCH AGREEMENT WOULD HAVE IMPRIMATUR

OF GA. CLEAR IMPLICATION WOULD BE THAT AGREED GUIDELINES SHOW HOW PEACEKEEPING OPERATIONS WORK AND WHO CONTROLS THEM. GA WOULD BE FAR LESS LIKELY TO TAKE ON PEACEKEEPING RESPONSIBILITIES THAN IF GUIDELINES EFFORT ENDED IN FAILURE BECAUSE PERMANENT MEMBERS COULD NOT AGREE ON HOW TO RUN A PEACEKEEPING OPERATION.

4. IN LIGHT OF THIS SITUATION, TRADITIONAL US CONCERNS ABOUT THE PREROGATIVES OF THE SECRETARY GENERAL SEEM VERY OUT OF DATE. WE ARE NOT DEALING WITH A HAMMARSKJOLD, NOR ARE WE LIKELY TO AGAIN. IN FACT, SYG'S INCREASING TENDENCY IS TO ACCOMMODATE NON-ALIGNED MAJORITY--A RECENT EXAMPLE BEING THE UNEF REIMBURSEMENT FORMULA, WHEN STRONGLY EXPRESSED VIEWS OF FOUR PERMANENT MEMBERS AND MAJOR CONTRIBUTORS WERE DISREGARDED IN FAVOR OF NON-ALIGNED POSITION.

5. US DOES OF COURSE HAVE AN INTEREST IN ENSURING THAT PEACEKEEPING FORCES ARE RUN EFFICIENTLY AND THAT DAY-TO-DAY OPERATIONS ARE NOT INTERFERED WITH. WE WOULD OPPOSE, AS WE HAVE BEFORE, ANY ATTEMPT TO ENSHRINE IN GUIDELINES SC CONTROL OVER DAY-TO-DAY OPERATIONS. AT SAME TIME, WE BELIEVE US FEARS OF SUCH INTERFERENCE MAY BE EXAGGERATED IN PRESENT SITUATION. SOVIETS, WHO ARE USUALLY THOUGHT OF AS DOING THE INTERFERING, HAVE NOT HAMPERED OPERATION OF UNEF OR UNDOF. ALTHOUGH THERE WAS A PERIOD AFTER UNEF WAS LAUNCHED WHEN SOVIETS RAISED MANY TRIVIAL ADMINISTRATIVE MATTERS IN INFORMAL SC CONSULTATIONS, THEY NEVER PRESSED THEIR OBJECTIONS TO POINT OF INTERFERING WITH SYG'S HANDLING OF OPERATION.

6. AS WE HAVE POINTED OUT BEFORE (E.G., IN USUN 4756 OF 1974), UK VETO BY CHALLENGE CONCEPT ON OUR VIEW STRIKES APPROPRIATE BALANCE BETWEEN US INTERESTS IN MAINTAINING CONFIDENTIAL

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SC CONTROL OVER KEY OPERATIONAL DECISIONS AND IN PROTECTING SYG FROM INTERFERENCE IN DAY-TO-DAY RUNNING OF FORCE. WE HAVE RECENTLY DISCUSSED VETO BY CHALLENGE AGAIN WITH UKUN TO TRY AND CLEAR UP SOME OF DEPARTMENT'S OBJECTIONS (STATE 247512 OF 1974). ON DEPARTMENT'S MAIN POINT -- INADVISABILITY OF ENSHRINING PRINCIPLE THAT WOULD COMPEL PEACEKEEPING OPERATION TO HALT UPON OBJECTION OF SINGLE SC MEMBER -- BRITISH ASSURE US IT IS NOT THEIR INTENTION THAT AN ACTION TAKEN BY SYG IN OPERATION WOULD BE SUSPENDED WHEN CHALLENGED. (THAT ALSO IS SMUN UNDERSTANDING.) AS STATED IN PARA 4 OF UK PAPER DESCRIBING VETO BY CHALLENGE PROCEDURE (A/9144 OF 7 SEPTEMBER 1973), ONLY "AFTER THE COUNCIL HAD MET" WOULD CHALLENGED ACTIVITY HAVE TO TERMINATE IF IT WAS VETOED.

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C O N F I D E N T I A L SECTION 2 OF 2 USUN 716

FOR ASST. SECRETARY BUFFUM FROM AMB. SCHAUFELLE

7. WE HAVE INFORMALLY SUGGESTED TO BRITISH THAT IN DESCRIBING ACTIVITIES SUBJECT TO VETO BY CHALLENGE IT MIGHT BE WELL TO QUALIFY "ANY OPERATIONAL INITIATIVE" BY ADDING AFTER IT THE PHRASE "WHICH MAY AFFECT THE NATURE OF THE CONTINUED EFFECTIVE FUNCTIONING OF THE FORCE." (THIS KEY PHRASE IN THE UNEF MANDATE HAS BEEN INTERPRETED BY US AND UK AS MEANING, INTER ALIA, THAT UNILATERAL DEMAND FOR WITHDRAWAL PRIOR TO EXPIRY OF MANDATE CAN BE VETOED.) UKUN AGREED WITH THIS SUGGESTION, AND HAS ASKED LONDON ITS OPINION. AS WE SEE IT, THERE ARE TWO MAIN ADVANTAGES TO ADDING QUALIFYING PHRASE. FIRST, THE CHALLENGER MUST STATE THAT THE ACTIVITY HE IS CHALLENGING "AFFECTS THE NATURE OR CONTINUED EFFECTIVE FUNCTIONING" OF AN OPERATION, AND WHILE HE DOES NOT HAVE TO PROVE THIS, THE NEED OF ASSERTING IT WOULD ITSELF DISCOURAGE USE OF VETO IN PROCEDURAL OR DAY-TO-DAY OPERATIONAL MATTERS. SECOND, INCLUDING THE PHRASE MAKES MORE EXPLICIT THE IMPLIED "VETO BY CHALLENGE" DISTINCTION BETWEEN FOUR TYPES OF PEACEKEEPING DECISION: A) DECISIONS ON KEY, ULTIMATE ISSUES THAT ARE TAKEN BY THE SECURITY COUNCIL AT TIME OF

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AUTHORIZATION AND WHERE THE VETO APPLIES; B) DECISION ON OTHER MATTERS OF IMPORTANCE WHICH, BOTH PRE AND POST LAUNCH, INITIALLY TAKE THE FORM OF RECOMMENDATIONS OR PROPOSALS BY THE SYG, BUT WHICH ARE SUBJECT TO SC CHALLENGE AND VETO; C) POST-LAUNCH OPERATIONAL INITIATIVES OF THE SYG WHICH "AFFECT THE...EFFECTIVE FUNCTIONING OF THE FORCE" -- ALSO SUBJECT TO CHALLENGE AND VETO; AND D) ALL OTHER DECISIONS, WHERE THE INITIATIVE AND PRIMARY RESPONSIBILITY LIE WITH THE SYG AND THE VETO DOES NOT APPLY.

8. COMMENT AND RECOMMENDATION: ALTHOUGH WE REALIZE BALL IS STILL IN SOVIET COURT AND THAT MOSCOW MAY NOT RESPOND TO RENEWED PROPOSAL FOR BILATERALS, WE BELIEVE IT IN OUR INTEREST TO MAKE ONE LAST EFFORT. IN OUR OPINION "VETO BY CHALLENGE" CONCEPT HOLDS BEST POSSIBILITY OF BREAKTHROUGH, AND WE REQUEST AUTHORIZATION TO INFORM SOVIET MISSION THAT WE ARE PREPARED TO NEGOTIATE ON THAT BASIS AS THEY REQUESTED. (AS NOTED PREVIOUSLY, WE WOULD SEE ULTIMATE QUID PRO QUO FOR THIS CONCESSION AS SOVIET ABANDONMENT OF MANDATORY ARTICLE 29 COMMITTEE WITH EXECUTIVE, RATHER THAN CONSULTATIVE, FUNCTIONS.) WE CONTINUE TO BELIEVE THAT ONLY REAL CHANCE OF PROGRESS LIES IN EXPLICIT INSTRUCTIONS FROM MOSCOW TO SMUN TO NEGOTIATE AD REFERENDUM AGREEMENT WITH USUN. WE THEREFORE RECOMMEND EMBASSY MOSCOW BE ASKED TO FOLLOW UP ITS PREVIOUS APPROACHES TO FOREIGN MINISTRY REQUESTING THAT SUCH INSTRUCTIONS BE ISSUED.
SCHAUFEELE

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